

IV. Remarks

Reconsideration and allowance of the subject application are respectively requested.

Claims 1-3, 5-10, 14, 15, 17 and 19-21 are pending, with Claims 1, 20, and 21 being independent.

In this Amendment, the specification, Claims 1, 3, and 19 have been amended, and Claim 18 has been cancelled. All amendments presented herein are made for reasons of clarity with respect to the specification and drawings, and not for reasons relating to the statutory requirements for patentability.

Applicant has amended Claim 1 of the present application to clarify the position of the second opening to the second lumen and to clarify that the region of the tubular member between the second opening and the inflatable balloon is circumferentially continuous (i.e., it does not contain a slit). These features are described throughout the present application and illustrated specifically in elected Figure 15. Claim 3 has been amended to correct a formal error. Claim 18 has been cancelled without prejudice or disclaimer. Claim 19 has been amended to depend from Claim 1 and to use phraseology consistent with that used in Claim 1.

Applicant has amended pages 9, 10 and 13 of the specification to correct minor typographical errors on those

pages. Applicant has amended page 14 of the specification to provide express support for the subject matter of Claim 15.

It is believed that no new subject matter has been added by these amendments.

Claim 4 was withdrawn from further consideration pursuant to 37 C.F.R. § 1.142(b) as being purportedly directed to a non-elected species. This action is respectfully traversed. By virtue of the amendment made to Claim 1, Claim 4 is indeed directed to elected Figure 15. Applicant requests that Claim 4 be included in the prosecution of the present application.

Claims 3, 6 and 7 were rejected under 35 U.S.C. § 112 (second paragraph) as being purportedly indefinite. Claim 3 has been amended to clarify that it is the first pair of longitudinal edges which are in a spaced relationship. Claims 6 and 7 were indicated as not understood by the Examiner. The Examiner is directed to page 13, line 21 to page 14, line 11 of the specification, together with Figure 16, for a technical description of the subject matter of these claims.

In view of the amendments and remarks set forth above, Applicant requests reconsideration and withdrawal of the rejection of Claims 3, 6 and 7 under 35 U.S.C. § 112 (second paragraph).

Claim 15 was rejected under 35 U.S.C. § 112 (first paragraph) as being purportedly not described in the specification. The specification has been amended to provide express support for the subject matter of Claim 15. Applicant requests reconsideration and withdrawal of the rejection of Claim 15 under 35 U.S.C. § 112 (first paragraph).

The drawings were rejected under 37 C.F.R. § 1.83(a) on the basis that the subject matter of Claims 6-7 purportedly was not shown in the patent application. This objection should be moot in light of Applicant's remarks above concerning the rejection of Claims 6 and 7 under 35 U.S.C. § 112 (second paragraph).

The specification was rejected to as purportedly failing to provide proper antecedent basis for the claimed subject matter. Specifically, the "valve" of Claim 6 was asserted to be unsupported in the specification. This objection should be moot in light of Applicant's remarks above in response to the rejection of Claims 6 and 7 under 35 U.S.C. § 112 (second paragraph).

Claims 1-2, 5-10, 14-15 and 17-18 were rejected under 35 U.S.C. § 102(b) as being purportedly anticipated by United States Patent No. 5,205,822 [Johnson et al. (Johnson)]. This rejection is traversed. Reconsideration is

requested in light of the following remarks.

Johnson fails to teach or suggest a balloon catheter having a guidewire port disposed between the balloon and the distal end of the slit in the tubular member. As such, Johnson clearly fails to anticipate the subject matter of Claim 1.

Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 1-2, 5-10, 14-15 and 17-18 under 35 U.S.C. § 102(b) in view of Johnson.

Claims 1-2, 5-10, 14-15 and 17-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,458,613 [Gharibadeh et al. (Gharibadeh)]. This rejection is traversed. Reconsideration is requested in light of the following remarks.

Gharibadeh clearly fails to teach a structure having a slit-free region between the second guidewire port and the balloon section. Gharibadeh specifically calls out the presence of a second slit 26 between the second guidewire port 26 and the balloon 13 - see Figure 1, together with column 6, lines 47-50 of Gharibadeh.

Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 1-2, 5-10, 14-15 and 17-18 under 35 U.S.C. § 102(b) in view of Gharibadeh.

Claims 20 and 21 were rejected under 35 U.S.C. § 103(a) over combinations of Johnson, Gharibadeh, and Applicant's specification. These rejections are traversed. Applicant submits that these documents fail to disclose or suggest the claimed invention for the same reasons set forth in Applicant's remarks in responding to the rejection under 35 U.S.C. § 102.

In view of the above amendments and remarks, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Attorney for Applicant
Dawn C. Hayes
Registration No. 44,751

PATENT ADMINISTRATOR
KATTEN MUCHIN ZAVIS ROSENMAN
525 West Monroe Street
Suite 1600
Chicago, Illinois 60661-3693
Facsimile: (312) 902-1061